

STATE OF VERMONT BOARD OF MEDICAL PRACTICE

In re: William J. Hall, M.D.

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Docket No. MPC 99-0804

STIPULATION AND CONSENT ORDER

NOW COME the State of Vermont, by and through Attorney General William H. Sorrell and Assistant Attorney General James S. Arisman, and William J. Hall, M.D. (Respondent), and agree and stipulate as follows:

1. William J. Hall, M.D., Respondent, a family practice physician, holds Vermont Medical License Number 042-0007847, issued on November 2, 1988. He does not hold medical licensure in any other jurisdiction.

2. Respondent retired from the United States Navy in 2004. He served within the Navy medical corps for 20 years as a practitioner and hospital administrator. He has not practiced medicine since his retirement from the Navy. He does not reside in Vermont.

3. Respondent wishes to resolve the instant matter before the Vermont Board prior to applying for licensure elsewhere and returning to the practice of medicine.

4. Jurisdiction in this matter vests with the Vermont Board of Medical Practice (Board), pursuant to 26 V.S.A. §§ 1353, 1354, & 1398 and 3 V.S.A. §§ 809 & 814(c).

I. Background.

5. Respondent reported in his 2004 medical license renewal application to the Vermont Board that he had received a "written reprimand or admonition" from the Navy

regarding aspects of his care of several patients. Following disclosure of this information, the Vermont Board of Medical Practice opened in August 2004 investigation of the circumstances involved.

6. Respondent has cooperated fully with the Board's investigation, including providing extensive written documentation, responding orally and in writing to questions from the Board's investigator and the undersigned, executing various releases and authorizations for disclosure of records, and, finally, by meeting in person with the Board's Central Investigative Committee.

7. The Board's investigation found that the Navy in 2003 issued a "non-punitive" Letter of Caution to Respondent for, *inter alia*, counseling patients regarding sexual functioning in language deemed by the Navy to be "graphic" and offensive to some patients. Respondent was cautioned in writing not to use graphic language in future counseling and to ensure that all discussions with patients regarding sexual matters were "sensitive to those who might not be comfortable with the subject." In 2004, Respondent received a Punitive Letter of Reprimand from the Navy for communication with a patient that employed colloquial terms that the Navy characterized as "crude" and vulgar". Respondent accepted the 2004 Punitive Letter of Reprimand and did not appeal the filing of the letter in his permanent official record.

II. Basis for Action by the Vermont Board.

A. Board Investigation.

8. The Board's investigation of this matter found no evidence in the written record to indicate that Respondent acted to gratify himself or engaged in improper physical

contact with his patients. However, Board investigation determined that Respondent, in fact, had counseled some patients in language that reasonably could be characterized as coarse and likely to be offensive to some individuals.

9. Respondent has repeatedly stated that his use of direct, even coarse language, in counseling his patients regarding sexual matters, was intended solely to provide care and advice in simple, understandable terms and, in some cases, to overcome patient reluctance to discuss important matters of sexual function (and dysfunction). In retrospect, Respondent feels that he used poor judgment and was insensitive to the reaction of those patients who were offended by his language. Respondent has repeatedly expressed regret and remorse for his actions.

B. Evaluation.

10. At the request of the investigative committee, Respondent underwent at his own expense a comprehensive psychological/psychosexual evaluation in Vermont. He readily agreed to undergo the evaluation and cooperated fully in all aspects. The evaluation found no evidence to indicate that Respondent had acted with prurient interest toward his patients or acted for self-gratification.

11. The evaluation found no basis to recommend that Respondent be required to undergo a course of psychotherapeutic counseling. The evaluation opined that no restrictions on Respondent's medical license were necessary for the protection of patients. The evaluation concluded that Respondent did not represent a danger to patients in his care and, specifically, that he did not represent a sexual threat to patients. The evaluation did observe that Respondent's unguarded language had "exceeded professional boundaries" and stated that

Respondent might benefit from continuing medical education regarding professional boundaries and the physician-patient relationship.

C. Committee Meeting with Respondent.

12. The investigative committee received the above-described written evaluation prior to meeting in person with Respondent. The committee was able to discuss the evaluation with Respondent and direct questions to him. He responded fully to these inquiries and indicated that he had learned from his experiences in the Navy, had become more cautious, and that in the future he intended to refer to other practitioners those patients who might need counseling or treatment with regard to sexual matters and functioning. After meeting with Respondent, the investigative committee found that it largely agreed with the conclusions of the evaluation.

D. Respondent's Acknowledgement.

13. Respondent expressly acknowledges here that he was insensitive in failing to recognize at the time that some patients were not receptive to or were offended by his manner of discussing sexual matters with them. He regrets his choice of language because it was distressing to some patients and did not reflect appropriate professional judgment and discretion on his part. He agrees that such circumstances provide a basis for action by the Vermont Board of Medical Practice, pursuant to 26 V.S.A. § 1354.

14. The documentation reviewed by the investigative committee in this matter included numerous commendations of Respondent's skill as a physician, achievements as a leader, and high character. The record included numerous letters of support and favorable observations from Respondent's peers. The Board is unaware at this time of any other

complaints regarding Respondent's care of patients. The record in this matter included no indication that any patient suffered a lingering harm.

15. Respondent has not been the subject of prior disciplinary action by the Vermont Board or by any other licensing authority. No specification of charges has been filed in this matter.

E. Findings/Conclusions.

16. Respondent does not contest the facts set forth above in paragraphs 5 through 15, above, and herein. He agrees that the Board of Medical Practice may adopt and enter these paragraphs as uncontested findings of fact and/or conclusions of law in this matter.

III. Disposition.

A. Acceptance of Agreement.

17. Respondent acknowledges that he is knowingly and voluntarily agreeing to this Stipulation and Consent Order. He acknowledges that he is aware of his right to counsel and has had the opportunity to obtain counsel regarding the instant matter before the Board and review of this agreement. He agrees and understands that by executing this document that he is waiving any right to be served with formal charges, to challenge the jurisdiction and continuing jurisdiction of the Board in this matter, to be presented with any evidence against him, to cross-examine adverse witnesses, and to offer evidence of his own to contest the State's charges. 26 V.S.A. § 1356; 3 V.S.A. §§ 809, & 814.

B. Board Action.

18. The parties to this Stipulation and Consent Order agree that appropriate disposition of this matter shall consist of the following:

A. Respondent shall be publicly **REPRIMANDED** by the Vermont Board of Medical Practice for the conduct that he has acknowledged; ~~see~~ Paragraph 13, above;

B. Respondent agrees that his Vermont medical license shall be conditioned by Board order until he has completed the educational coursework required below and the Board has expressly relieved him in writing of all conditions on his license. Respondent agrees he shall comply fully and in good faith with each of the express terms and conditions of licensure set forth below, wherever he may practice, until such time as he has been relieved of all conditions herein by the Vermont Board of Medical Practice.

C. Substantial or repeated failure by Respondent to comply with any of the terms and conditions herein may constitute unprofessional conduct and, if established by the State's evidence, could result in the suspension of Respondent's license to practice medicine and such disciplinary action as the Board may deem necessary under the circumstances.

IV. Terms and Conditions; Other Matters.

A. General.

19. Respondent expressly agrees that he has read and carefully considered all terms and conditions herein and agrees to accept and be bound by these while licensed to practice medicine in the State of Vermont or elsewhere. He reiterates that he agrees to be bound by these terms and conditions until such time as he is expressly relieved of these, in writing, by the Board.

20. Respondent agrees and understands that his Vermont license to practice medicine shall be designated as "conditioned" until all terms and conditions upon his medical license have been removed by written order of the Board. However, such conditions are limited solely to educational requirements. Therefore, the parties agree that Respondent may

present at any time and the Board, in its sole discretion, may promptly consider and decide any written petition from him for immediate relief from these conditions of licensure, following receipt of written evidence from Respondent that he has fully and successfully completed all required coursework, as set forth below. Board consideration must be preceded by a favorable review and recommendation by the Central Investigative Committee. The Board in its sole discretion may approve or disapprove such petition from Respondent.

B. Education.

21. Respondent agrees that within 12 months of approval of this Stipulation and Agreement, he shall satisfactorily complete, at his own expense, educational coursework or programs, subject to Board review and prior approval, which shall address the subjects from among the following: professional boundaries, communications skills, patient relations, counseling skills, ethics, and/or professionalism.

22. Such coursework must be provided by a reputable source, take place in an on-site program, and be eligible for credit as "continuing medical education". Respondent shall complete, within 12 months, courses qualifying for eligible credits of at least 25 hours in Category I of the Physician's Recognition Award of the American Medical Association (or 25 hours of coursework that is accredited for continuing education credits by the American Psychological Association).

23. Respondent shall be personally responsible for identifying appropriate coursework and proposing specific courses or programs for review and pre-approval by the Central Investigative Committee, in its sole discretion, on behalf of the Board. Respondent shall petition in writing for pre-approval of all proposed coursework by letter directed to the

investigative committee. Such petition shall provide all pertinent details regarding the proposed coursework and include a copy of the course syllabus, brochure, or other written program information.

24. Respondent shall be personally responsible for ensuring that written documentation of and evaluations of Respondent's participation in and satisfactory completion of all such coursework are promptly forwarded to the Board of Medical Practice for review.

C. Notifications.

25. Respondent agrees that he shall provide a complete copy of this Stipulation and Consent Order to any and all licensed practitioners with whom he is associated in practice, to any prospective employer, and to any State medical board or other licensing authority in any location or jurisdiction where he may seek to practice or where he may make application, so long as this agreement remains in effect.

26. The parties agree that this Stipulation and Consent Order shall be a public document, shall be made part of Respondent's licensing file, and may be reported to other licensing authorities and/or entities including, but not limited to, the National Practitioner Data Bank and the Federation of State Medical Boards.

D. Other Provisions.

27. Respondent acknowledges and agrees that engaging in unprofessional conduct, as set forth in 26 VSA §§ 1354 & 1398, shall constitute prima facie evidence of a violation by him of this agreement. Such circumstances, if established by the State's evidence, shall be sufficient to support findings by the Board that the present terms and conditions of this

agreement are inadequate to protect the health, safety and welfare of the public, and thus, could result in a motion by the State with regard to Respondent's Vermont medical license.

28. This Stipulation and Consent Order is subject to review and acceptance by the Vermont Board of Medical Practice and shall not become effective until presented to and approved by the Board. If the Board rejects any part of this Stipulation and Consent Order, the entire agreement shall be considered void. However, should the terms and conditions of this Stipulation and Consent Order be deemed acceptable by the Board, the parties request that (a) the Board enter an order conditioning Respondent's medical license, as, set forth above, and that such license be subject to the terms and conditions as set forth herein; and (b) that Respondent be publicly **REPRIMANDED** by the Vermont Board of Medical Practice for the conduct set forth herein.

29. Respondent agrees to be bound by all terms and conditions of this Stipulation and Consent Order. Respondent agrees that the Board of Medical Practice shall retain jurisdiction to enforce all terms and conditions of this Stipulation and Consent Order during its lifetime. Respondent expressly agrees that failure by him to comply with the terms of this Stipulation and Consent Order, including its pre-approval and reporting requirements, may constitute unprofessional conduct under 26 V.S.A. §1354(25) and may subject Respondent to further disciplinary action.

Dated at Montpelier, Vermont, this 31st day of May 2005.

WILLIAM H. SORRELL
ATTORNEY GENERAL

by:

James S. Arisman
JAMES S. ARISMAN
Assistant Attorney General

Dated at Oak Harbor, Wash., this 24 day of May 2005.

William J. Hall
WILLIAM J. HALL, M.D.
Respondent, *pro se*

FOREGOING, AS TO MEDICAL LICENSE OF
WILLIAM J. HALL, M.D., APPROVED AND ORDERED
VERMONT BOARD OF MEDICAL PRACTICE

<u>Sharon L. Neal</u>	<u>[Signature]</u>
<u>Richard T. Freeman</u>	<u>Wick H. Gould, MD</u>
<u>Wm R. Dade, MD</u>	<u>Margaret Fink Martin</u>
<u>James C. Kelly, MD</u>	<u>Peterson A. Kay, MD</u>
<u>[Signature]</u>	
<u>[Signature]</u>	

DATED: 6/1/05

ENTERED AND EFFECTIVE: June 1, 2005

JHA: HALL STIPULATION; AOS (NOT EFFECTIVE UNTIL APPROVED BY BOARD OF MEDICAL PRACTICE)